IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8898 of 2005

Between:

Talari Jayamma, w/o Pedda Rajanna,
Madigubba Village, Atmakur Mandal, Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Anantapur, Anantapur District.
2 The Joint Collector, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Atmakur Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari calling for all the connected records including the impugned proceedings of the second respondent in Rc.No.K4/ATP/364/2005 dated 30-3-2005 in rejecting the stay petition and quash the same pending appeal and further direct the respondents to allow the petitioner to distribute the essential commodities till the disposal of the appeal by the second respondent and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

This Writ Petition is filed for issuance of a writ of Certiorari calling for all the connected records including the impugned proceedings of the second respondent in Rc.No. K4/ATP/364/2005, dated 30.3.2005 in rejecting the stay petition and quash the same pending appeal and further direct the respondents to allow the petitioner to distribute the essential commodities till the disposal of the appeal by the second respondent.

Brief facts of the case are that the petitioner was appointed as Fair Price Shop Dealer for Fair Price Shop at Madigubba Village after due process by the first respondent in his proceedings dated 28.4.2000. The first respondent issued proceedings dated 30.11.2002 suspending the authorization of the petitioner pending enquiry with immediate effect. Aggrieved by the same, he preferred an appeal to the second respondent and sought stay of the order. The second respondent rejected the stay application on 19.12.2002 and remanded the matter to the first respondent at the admission stage to proceed with the further enquiry. Aggrieved by the same, he filed Writ Petition No. 25896 of 2002 along with W.P.M.P.No. 32720 of 2002. This court granted interim order on 2.1.2003 suspending the impugned order and disposed of the Writ Petition on 19.11.2004 directing the first respondent to complete the enquiry if not already concluded. The first respondent issued the proceedings dated 1.3.2005 canceling the authorization of the petitioner. Aggrieved by the same, he filed an appeal before the second respondent on 19.3.2005 along with stay application and the second respondent rejected the stay application while admitting the appeal. Aggrieved by the action of

the second respondent in refusing to grant stay pending appeal, the petitioner preferred the present Writ Petition.

The learned counsel appearing for the petitioner submits that the appeal is pending before the second respondent and the second respondent is not disposing of the appeal. He also submits that till the disposal of the said appeal, the petitioner may be permitted to continue to distribute the essential commodities to the cardholders.

Considering the facts and circumstances and without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition with a direction to the second respondent- the Joint Collector, Anantapur District, to dispose of the appeal filed by the petitioner in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. As the impugned order shows that no alternative arrangement is made, petitioner shall be continued till the disposal of the appeal.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

DATED: 25.04.2005

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To

1 The Revenue Divisional Officer, Anantapur, Anantapur District.

2 The Joint Collector, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Atmakur Mandal, Anantapur District.

4. Two CCs to G.P. for Civil Supplies, High Court of Andhra Pradesh, Hyderabad (OUT).

5. Two CD copies.